
TO: CITY MANAGER **DATE:** 2019 February 4

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 76500 20
Reference: ESS

SUBJECT: CLIMATE CHANGE ACTION AND LIABILITY

PURPOSE: To review some of the challenges and opportunities of taking action on climate change, in response to a request for support for legal action against fossil fuel companies.

RECOMMENDATIONS:

1. **THAT** Council receive this report for information.
2. **THAT** copies of this report be sent to delegation representatives Mr. Larry Meyers, Mr. Gordon Cornwall and Mr. Barry Jones, and to Mr. Karl Perrin representing Burnaby Residents Opposing Kinder Morgan Expansion.

REPORT**1.0 INTRODUCTION**

At the Council meeting held on 2018 June 11th, a delegation requested that Council send a letter to the Province advocating for a provincial Bill to “hold fossil fuel companies liable for climate-related harms caused by their operations and products”. Arising from discussion, Council requested that the matter be referred to staff for a report.

Based on a review of the issues as outlined in this report, several concerns are identified with pursuing or supporting legal action to extract payment for climate change damages from fossil fuel companies. These include: a long timeframe, high expenses, high uncertainty of success, and the need to engage with the industry as a key partner in the transition to a low carbon economy. Therefore, this approach is not recommended for Burnaby at this time. Instead, other avenues to achieve more timely and productive results to address the urgent concern of climate change are outlined for Council’s consideration.

1.1 Policy Context

Taking action to address climate change and prepare for its impacts is explicitly and implicitly supported by City policy, including the following approved plans:

- **Official Community Plan** – including establishing an urban structure with high density town centres connected with low-carbon rapid transit, as well as protection of significant natural areas, and a goal to reduce greenhouse gas (GHG) emissions.
- **Transportation Plan** (update in progress) – including a strong direction for increasing the use of low-carbon modes of transportation such as transit, walking and cycling.
- **Economic Development Strategy** – including strengthening the “environmental technology and services” sector of Burnaby’s economy and supporting sustainable business practices.
- **Social Sustainability Strategy** – including improving healthy living, economic security, safety and emergency preparedness.
- **Environmental Sustainability Strategy (ESS)** – including a climate and air quality goal and strategic directions to reduce GHG emissions, develop climate change adaptation approaches, and reduce dependence on fossil fuels; as well as goals for maintaining and enhancing ecosystem health that can help buffer climate change impacts.
- **Community Energy and Emissions Plan** – including community GHG reduction targets, with an array of specific strategies and actions for land use, buildings, transportation and waste, in support of the broader ESS.
- **Corporate Strategic Plan** – including the following goals and sub-goals:
 - A Safe Community
 - Emergency preparedness –
Enhance plans, procedures and services so that we are better prepared to respond to emergencies and are able to maintain City services
 - Emergency services –
Provide responsive emergency services
 - Community amenity safety –
Maintain a high level of safety in City buildings and facilities for the public and City staff
 - A Healthy Community
 - Healthy life –
Encourages opportunities for healthy living and well-being
 - Healthy environment –
Enhance our environmental health, resilience and sustainability

Council has also taken a strong position opposing expansion of the Trans Mountain Pipeline, due to human health, community safety, and environmental risks. The contribution of the pipeline project to global carbon emissions and resulting climate change impacts was one of the many explicit omissions in the National Energy Board review of concern to the City.

2.0 CAUSES AND EFFECTS OF CLIMATE CHANGE

The causes and effects of human-caused climate change have been well understood by the scientific community for several decades, and the issue is increasingly coming to the attention of the general public and policy makers. Improvements in the science of measuring changes in global climate systems, past and present, continue to strengthen the understanding that human-caused carbon dioxide (CO₂) emissions are “extremely likely” the key driver in observed global warming, a viewpoint supported by an overwhelming scientific consensus^(1,2).

Most recently, the Intergovernmental Panel on Climate Change (IPCC) Special Report released in October 2018 highlighted the urgent need to rapidly reduce CO₂ emissions in energy production and other sectors in order to achieve “net zero” levels by 2050 and thereby limit global warming to 1.5°C. Warming exceeding 1.5°C is associated with significantly greater impacts to ecosystems, human health, well-being, security and the economy³. The Special Report also highlighted the need for climate change adaptation approaches that will be required even if warming is limited to this degree. The COP24 meeting in Katowice, Poland in December 2018 involved 196 countries and the European Union and resulted in an agreement on rules for implementing the 2015 Paris Agreement to limit global warming to “well below” 2°C, and pursue efforts to limit warming to 1.5°C.

The past few years have seen many devastating natural disasters, including California’s most deadly wildfire that killed at least 85 people and destroyed nearly 14,000 homes; wildfires across British Columbia that burned forests and caused extended periods of poor air quality in many communities including Metro Vancouver; and severe droughts, heat waves, hurricanes and floods across many parts of the world. Although extreme weather events such as these have complex causes, there is growing evidence that they are often made more likely and more damaging by climate change^(4,5).

At the same time, the Earth’s climate is both controlled and influenced by complex living systems that interact with global geophysical processes. Forests, wetlands, grasslands and marine ecosystems play an important role in both taking up and storing carbon from the atmosphere, and in helping to buffer the impacts of many climate change effects. A holistic response to climate change therefore needs to include not only a technological approach, but also protecting and restoring natural ecosystems.

¹ Intergovernmental Panel on Climate Change, [5th Assessment Report, Summary for Policymakers](#).

² NASA; Scientific consensus: Earth’s climate is warming. [Global climate change, Vital Signs of the Planet](#)

³ Intergovernmental Panel on Climate Change, 2018. [Global Warming of 1.5C, Summary for Policymakers](#)

⁴ Harvey, Jan. 2, 2018. Scientists can now blame individual natural disasters on climate change. [Scientific American](#)

⁵ Young and others, 2018. Attribution of the influence of human-induced climate change on an extreme fire season [in BC]. [Earth’s Future, 13 Dec. 2018](#).

2.1 Regional Climate Change Impacts

In Canada, average temperature has risen by 1.7 degrees as a result of climate change since 1948⁶. In Metro Vancouver, some of the observed and anticipated impacts of climate change include⁷:

- Warmer temperatures and less summer rainfall;
- Wetter fall and winter weather;
- More extreme precipitation events;
- Decreased snowpack;
- Sea level rise of at least one metre by 2100;
- More wildfires locally, and across the province and nearby states, contributing to local poor air quality.

These impacts are in turn likely to have many consequences, some with significant costs, such as the need for upgrading sewer and stormwater infrastructure, flood damage and upgrades to dykes for flood protection, impacts to agricultural productivity and food security, ecosystem stress and damage, increased need in buildings for cooling (and increased energy use), and human health impacts associated with incidences of poor air quality and heat waves. Other impacts are not as easily quantified, such as declining salmon stocks, threatened orca populations and the implications for tourism and fisheries. Climate-related conflicts and disasters in other parts of the world may also result in increased immigration and the need for humanitarian aid.

Burnaby is taking action in a number of areas to address some of the anticipated impacts of climate change, including upgrading dykes in the Big Bend area, and incorporating climate change projections into infrastructure capital planning. The City's efforts in protecting and restoring natural streams and forested areas will also help to increase resilience to some climate impacts. A climate change adaptation strategy is planned to be developed for Burnaby in future, to further evaluate and address risks and impacts in a comprehensive manner to prepare for the effects of climate change to the extent feasible, as described in **Section 3.4.1**.

3.0 CHALLENGES AND OPPORTUNITIES OF CLIMATE ACTION

Notwithstanding the seriousness and urgency of climate change, there is also an opportunity for making changes that limit the negative impacts while contributing to positive outcomes for society, the economy and ecosystems. One study modeled \$26 trillion in potential cost savings to the global economy through taking climate action along with improving sustainability and inclusivity⁸. This will require leadership, empathy and cooperation that cross the boundaries of cultures, income levels and world-views, and that mobilize multiple disciplines and sectors toward a shared vision.

⁶ Government of Canada, Canadian Centre for Climate Services, [Climate trends and projections](#)

⁷ Metro Vancouver, Climate 2050 Strategic Framework <http://www.metrovancouver.org/climate2050>

⁸ Global Commission on the Economy and Climate, 2018: [The New Climate Economy](#).

3.1 Public Views and Communication

Climate change has proven to be a particularly “wicked” problem, being gradual, distant from most people’s daily lives and influence, intergenerational, complex, and with multiple causes and innumerable actors. The role and responsibility of individuals, society, industry and others is not clear-cut. Furthermore, science has been cast in doubt by vested interests, while people tend to adopt perspectives of peer groups rather than expert knowledge⁹. Such complexities have contributed to climate change becoming a politically charged and highly divisive topic. It is therefore important that communication and actions be carefully considered so that they do not result in further disengagement, and contribute instead to behaviours supporting a shared vision.

3.2 Responsibility and Areas for Action

Given that climate change is being driven by human activity, practically all people, organizations and businesses are responsible to some extent. GHG inventory approaches are often used to assign responsibility for GHG emissions. An inventory tracks the amount of human-caused GHGs emitted to or removed from the atmosphere during a specified time period, and can be compiled based on the country, province, organization or facility, sector, or individual. On a per capita basis, Canada has the highest emissions of all G20 countries¹⁰. Depending on how the responsibility and role for some of these various agencies are viewed, action can be taken at various scales, as described below.

- Individual action: campaigns and personal pledges to reduce emissions can make people feel more engaged and optimistic, help demonstrate desirable behaviour to inspire others, and provide a basis for pressuring for change from corporations and politicians. Most of these actions imply scaling through collective action¹¹. At the same time, some of the criticisms of the individualistic approach include:
 - Taking small actions can give “moral license” for individuals to continue (or increase) other more carbon-intensive habits and may neglect larger scale changes needed to address socioeconomic inequity¹².
 - Some argue this approach amounts to “victim blaming” and distracts attention from the more influential role of governments and industry^(13,14).
 - Individuals can only make low-carbon choices when they are within reach (physically and economically); for example, in order to drive less, people need access to transit and safe walking and cycling infrastructure.

⁹ George Marshall, 2014: Don’t Even Think About It, Why our Brains are Wired to Ignore Climate Change.

¹⁰ Canada posts highest per capital emissions as G20 falls short on climate action. [The Energy Mix, Nov. 16, 2018](#)

¹¹ The climate mitigation gap: education and government recommendations miss the most effective individual actions. [Environmental Research Letters 12 \(2017\) 074024](#); 16 Sustainability Leaders Weigh In: How YOU Can Help to Reverse Global Warming. [crowdsourcingsustainability.com](#)

¹² 10% of the world’s richest people are responsible for half the world’s carbon emissions, while poor populations emit less and are most vulnerable to climate change impacts: Oxfam, 2015. [Extreme Carbon Inequality](#).

¹³ Climate change: focusing on how individuals can help is very convenient for corporations. [theconversation.com](#)

¹⁴ Lukacs, Neoliberalism has conned us into fighting climate change as individuals [The Guardian, 2017](#).

- Collective citizen action: most people recognize the need for broader societal change to address climate change in a meaningful way. This can involve petitions, protests, boycotts, divestment, motivating more people to vote for leaders on climate action, and generally participating in campaigns supporting corporate, political, and legal actions.
- Corporate action: businesses and industry are increasingly being held to higher standards of social and environmental responsibility by shareholders and the public, and forward looking companies are recognizing the economic opportunities of a post-carbon economy. However, regulations and/or carbon pricing are typically needed to ensure meaningful change of carbon intensive industries. As discussed below, the fossil fuel industry has become a common target of blame, while others argue that responsibility should also be shared by individuals, governments and society.
- Political action: climate policy and regulations, such as carbon reduction targets, pricing carbon (e.g. cap and trade, carbon taxes), removing subsidies, and regulating high carbon industries, can help to set clear direction and market signals. Unfortunately, at the international level and most national levels, progress on targets and pricing has been slow and consensus elusive. A number of provinces, states and local governments, however, have enacted more progressive climate policies.
- Legal action: there have been a number of recent efforts to hold various parties accountable for the impacts of climate change through legal means, targeting the oil and gas industry and in some cases national governments. This approach is reviewed in the following section.
- Finally, the role of the insurance industry in underwriting climate risk is an important factor that may play a role in influencing policies in many of the areas noted above, to address physical, liability and transition risks presented by climate change^(15, 16).

The tools and technologies to limit climate change to manageable levels are currently available, however, the 2018 IPCC Special Report (referenced in Section 2.0 above) emphasized that this will require *rapid* and *far-reaching* changes on an *unprecedented scale*. Thus it is important to consider whether a litigation approach would support, or undermine, this response.

3.3 Legal Action

As outlined in the previous section, legal action is one of many approaches being pursued in the effort to take action on climate change, and one that is being advocated by the recent delegation to Burnaby Council.

Litigation against fossil fuel companies is based on the premise that they knowingly contribute to climate change, yet they continue to profit and do not have to pay for the resulting damages¹⁷.

¹⁵ The Geneva Association, 2018: [Climate Change and the Insurance Industry](#).

¹⁶ Insurance Bureau of Canada. Jan. 16, 2019. [Severe weather causes \\$1.9 billion in insured damage in 2018](#)

¹⁷ For example: New York sues Exxon Mobil. [New York Times, Oct. 24, 2018](#)

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Litigation against governments is based on a perceived failure to protect its citizens from the known risks of climate change. For example, a class action lawsuit by Quebec citizens under the age of 35 was recently filed against the federal government, arguing its climate targets are insufficient and jeopardize the plaintiffs' Charter rights to live in a healthful environment¹⁸.

As of yet, however, no Canadian city or province has advanced a lawsuit against fossil fuel companies for climate change damages. A campaign by West Coast Environmental Law (WCEL), *Climate Law in Our Hands*, is encouraging cities to send letters to fossil fuel producers "demanding accountability", to set the stage for a possible class action lawsuit in the future. According to the campaign website, 14 local governments in BC have voted to send letters so far. According to some lawyers, provincial legislation would need to be in place first to support this type of class action suit¹⁹.

WCEL is also one of the authors of a letter to the Province appealing for provincial legislation to "hold fossil fuel companies accountable for climate change-related harm and costs that occur in British Columbia", based on Ontario's Bill 21, as described below²⁰. The delegation to Burnaby Council requested only that the City send the letter to the Province (not to fossil fuel companies directly), however these two campaigns appear to be linked and similar delegations to other city councils have requested both.

The delegation to Burnaby Council requested the City to send a letter to the Province requesting legislation such as: *Bill 21 – An Act Respecting Civil Liability for Climate-Related Harms*. This Bill was advanced by an NDP Member of Parliament, to make it easier for governments, businesses and individuals to sue fossil fuel producers for a "fair share" of the costs of the harms caused by climate change. Such harms would include loss of and damage to life, property, infrastructure, and environmental assets; emergency response and mitigation; infrastructure improvements; increased insurance; climate research and monitoring; and public education.

Bill 21 includes a provision to impose "strict liability" (liability without proof of fault), which has not yet been used in Canada as a basis to seek damages from fossil fuel companies for climate impacts²¹. A producer would be held liable where a "globally detectable level" of GHG emissions can be attributed to that producer. This approach relies on a "carbon accounting" method that attributes emissions from both operations and end use of the product to producers²². This approach attempts to circumvent the challenge of proving "causation", a major barrier to date in Canada to advancing climate change litigation²³.

¹⁸ Quebec group sues federal government over climate change. [Globe and Mail 2018 Nov. 26](#)

¹⁹ Ontario bill sparks debate on climate change litigation. [Canadian Lawyer, 2018 April 6](#).

²⁰ Joint letter to Premier Horgan on a liability for climate-related harms Act. Andrew Gage, [West Coast Environmental Law, July 16, 2018](#)

²¹ New Canadian bill would help cities sue oil industry for climate damages [Climate Liability News, 2018 March 6](#).

²² Carbon Disclosure Project: The Carbon Majors Database, [CDP Carbon Majors Report, 2017](#)

²³ University of Victoria Environmental Law Centre, [Climate Change Litigation backgrounder](#)

Bill 21 was reportedly drafted with the assistance of Greenpeace, and is modeled after Ontario's Tobacco Damages and Health Care Costs Recovery Act (2009)²⁴. It was given First and Second Readings in the Legislative Assembly of Ontario in March and April 2018, respectively, and subsequently referred to the Standing Committee on Regulations and Private Bills, where it stands currently. The likelihood of Bill 21 being passed seems low given the positions of the new Conservative government in Ontario on climate policy, however it has been framed as an important step in advancing the dialogue regarding climate change litigation.

Litigation against fossil fuel companies for climate change impacts, while seen by some as an important effort toward transparency and accountability²⁵, is a contentious and uncertain undertaking, with high costs, long timeframe, and high uncertainty of success. The Court process would involve lengthy proceedings on procedural matters, require expert evidence at various scales beyond the municipal level, and would potentially require extensive City resourcing, along with engaging external counsel. In comparison with the United States²⁶, Canadian law has a different legal landscape that will likely make the process quite complicated, especially in the absence of legislation or precedent for this type of litigation. Further, a transition to renewable energy at the scale outlined in the IPCC Special Report (referenced in Section 2.0 above) will require support of the industry and many partnerships between stakeholders. Active litigation against fossil fuel companies will make it difficult to obtain cooperation and support for such initiatives. As such, legal action to address climate change does not represent the best value or opportunity for the use of the City's time, money and resources to respond to climate change.

3.4 Opportunities

In place of legal action, there are other opportunities for climate change action that Council may wish to consider as a way to achieve more timely and productive results.

3.4.1 Take action and demonstrate leadership locally

Local governments are often recognized as climate champions. They have direct control or influence over factors with a strong relationship to climate change, such as land use, buildings, energy and transportation, and taking action can achieve multiple positive benefits for the community. As noted previously, Burnaby has a strong policy foundation supporting actions to reduce GHG emissions and improve resilience to climate change. A number of actions are ongoing and planned, including through implementation of its sustainability strategies.

Burnaby's community GHG reduction targets in the CEEP (www.burnaby.ca/ceep) were intentionally set at levels deemed to be "achievable" rather than "aspirational". Burnaby's primary, legislated target is to reduce emissions by 5% below 2010 levels by 2041, focusing on actions over which the City has direct control (a "City-Only" target).

²⁴ First of its kind – Ontario NDP tables civil liability for climate change bill. [Osler, 2018 April 3.](#)

²⁵ Research reveals strategies for combating science misinformation. [Yale University, Jan. 14, 2019](#)

²⁶ Burger and Wentz, 2018. Holding fossil fuel companies accountable for their contribution to climate change: Where does the law stand? [Bulletin of the Atomic Scientists 74\(6\): 397-403](#)

A “City-Plus-Others” target of 30% below 2010 levels by 2041 was also informally stated in the CEEP, which could be achieved if other jurisdictions also took action. Indeed, a number of policies and action are being implemented by various levels of governments, as well as by agencies such as TransLink and BC Hydro. This greater alignment, in the context of the urgency of climate change as noted above, could provide a basis for reviewing these targets.

The potential to address climate change was one of the criteria used to prioritize implementation of the ESS and CEEP strategies, leading to the following priorities (**Table 1**, below). New policies implemented to date include a bylaw requiring electric vehicle charging in new residential development, and requirements for energy efficiency and low-carbon energy systems in new large buildings. Additional policies for green buildings and electric vehicles are also in development. In addition, since half of Burnaby’s community emissions come from transportation, the update of the Transportation Plan currently in progress offers an opportunity to contribute to reducing emissions with a strong emphasis on shifting to more use of transit, walking, cycling, and the use of shared and zero emission vehicles.

Other areas of the ESS that have been designated as high priorities but not yet resourced include development of a corporate sustainability strategy with targets to guide City leadership in green and low-carbon approaches in new civic projects and operations, and a strategic plan for improving resilience to climate change.

Table 1. Highest priority “Big Move” strategies from ESS and CEEP, targeted for Phase 1 implementation, as approved by Council on 2018 September 11.

ESS/CEEP Strategy	Example	Status
Breathe; ESS 3.1: Reduce community greenhouse gas (GHG) emission rates, including in the areas of transportation, buildings, district energy and waste.	Implement, track/monitor and update the CEEP	City signed provincial Climate Action Partnership (2017); other actions below.
Breathe; ESS 3.2: Improve resilience to climate change effects by assessing risks and seeking and acting on opportunities to protect the community and ecosystems from anticipated impacts.	Develop a climate adaptation strategy	Pending; work plan and staff resources not yet identified
Move; ESS 5.6. / CEEP C2.5: Transition to more efficient (including zero-emission) vehicles and more efficient use of vehicles.	Develop policy in support of electric vehicles / EV charging	EV Bylaw adopted; other policy areas in progress ²⁷ .
Build ESS 6.1. / CEEP C3.1: Meet updated energy performance building code requirements for new buildings.	Include provisions to enhance compliance in policies for new development	In progress, with 6.2/C3.2
Build ESS 6.2. / CEEP C3.2: Improve building design construction to meet higher standards of environmental performance.	Develop policy for green and energy efficient and low-carbon buildings	Policy for large buildings approved; small building policy in progress.
Manage ESS 10.3 / CEEP C5.1: Demonstrate leadership in sustainability through City facility and operations management by reducing energy and GHG emissions, conserving water, reducing and diverting waste and enhancing ecosystems.	Develop corporate sustainability policy, including corporate GHG targets, and programs	Pending; work plan and staff resources not yet identified

²⁷ See www.burnaby.ca/ev

3.4.2 Adaptation planning and the role of ecosystems

Burnaby is ahead of many urban communities when it comes to the preservation of ecosystems, which can play an important role in adaptation to climate change impacts. For example, natural wetlands such as Burnaby Lake, and open watercourses, can absorb the energy of high rainfall events and help to prevent flooding better than most hard infrastructure. These natural systems also provide multiple benefits, such as habitat for wildlife and recreation and health opportunities for people. One of the ESS strategies (Green 1.1) focuses on evaluating and developing a strategic plan to build on these successes and plan for the future protection and enhancement of our ecosystems. This would be initiated in a second phase of ESS implementation in future.

Climate change adaptation planning can take into account both “green infrastructure” (such as trees and wetlands), and “engineered” infrastructure (such as storm sewer pipes), as well as community relationships, to address land use, energy systems, building design, emergency preparedness, food security, water conservation, and other issues that may be affected by climate change impacts. Of relevance to the issue of liability, taking action to anticipate and plan for climate change may also help to protect the City from risk, including for potential liability²⁸.

3.4.3 Support for regional, provincial and federal climate policy and funding

There are many recent and ongoing examples of effective and evidence based climate policy being implemented at various levels of government, that the City can support and leverage.

Regional Climate Policy

Metro Vancouver has a target to reduce GHG by 80% below 2007 levels by 2050, and a framework of supporting strategies and action plans. Examples of recent initiatives include a Strata Energy Advisor Program that assists stratas and housing co-ops in planning and decision making for efficient and low-carbon building energy systems; and an electric vehicle outreach program. An internal “shadow” price on carbon is also used by Metro Vancouver to guide decision making on investments in assets such as buildings and infrastructure²⁹. The City of Vancouver and City of New Westminster have also adopted this approach, which could be considered for Burnaby in future.

A new regional Climate 2050 Plan is under development; in 2018 the Board adopted a Discussion Paper and Strategic Framework, and next steps include development of roadmaps for ten issue areas, and related action planning, which will focus on carbon reduction as well as adaptation planning. Burnaby staff participate in various committees addressing these (and related) plans and policies.

²⁸ ICLEI, Changing Climate, Changing Communities, [Guide and Workbook for Municipal Climate Action](#)

²⁹ This approach assigns a price (currently set at \$150/tonne) for the carbon emitted as a result of a particular project, such as a new infrastructure or building, and is added to capital, operating and energy costs; the internal carbon price is not actually paid to any entity, rather it is factored as a way to explicitly consider the climate change impacts of various options, and to protect from future financial risk of possible or anticipated carbon pricing. [Climate Action Committee agenda, 2017 June 7, item 5.1](#)

Provincial Climate Policy

In 2007/2008 the Province introduced a number of regulations in support of its Climate Action Plan, set progressive GHG reduction targets, and introduced a carbon tax. Other notable provincial regulations that have helped to reduce emissions include a clean electricity mandate, energy efficiency regulations, a vehicle emissions standard, a low carbon fuel standard, and a requirement for carbon neutral government.

The Province's recently introduced CleanBC climate plan was positively received by climate change policy experts and includes a legislated target to reduce emissions by 40% (25.4 Mt) by 2030 compared to 2007, and sector specific targets and actions. A zero emissions vehicle mandate was also announced in 2018, which requires all light duty cars and trucks sold in the province to be zero emissions vehicles by 2040, with interim targets of 10% by 2024 and 30% by 2030.

A new framework for energy efficiency, the BC Energy Step Code (ESC), was enacted in 2017, and sets a pathway for the BC Building Code (BCBC) to make all new buildings "net zero energy ready" by 2032. These and other components of the CleanBC plan are important positive steps. While the Energy Step Code will improve energy efficiency, it does not explicitly address GHG reduction³⁰. The addition of a GHG intensity metric in future updates of the ESC, or other legislation to regulate building GHG emissions, as suggested in the Province's 2018 Clean Growth Intentions Paper for buildings, would support Burnaby and other communities in meeting their community GHG targets.

Federal Climate Policy

The federal government is not currently on track to meet its emissions targets of the Paris agreement for 2030, and came under criticism from a climate policy perspective for purchasing the Kinder Morgan pipeline³¹. However, the current government has taken a number of positive steps to reduce emissions, including introducing regulations to phase out coal energy plants, regulate methane from oil and gas industry, and is developing a clean fuel standard. The government is also implementing a carbon tax, an approach favored by economists but politically challenging; at the currently proposed taxation levels, despite the controversy it elicits, it will not play as important a role in reducing emissions compared to regulations such as those listed above³². The federal government is also investing in research and development of clean technology, deploying infrastructure and for electric vehicles and providing funding for GHG reduction initiatives and climate adaptation planning at the local level through the Federation of Canadian Municipalities. A federal zero emissions vehicle mandate could be another opportunity that has proven to be effective in reducing emissions from transportation while allowing flexibility in the marketplace.

³⁰ It was for this reason that Burnaby's recently approved green building policy for larger buildings includes an option under rezoning for a lower step together with a low-carbon energy system that meets a GHG intensity target.

³¹ Brown to Green: the G20 transition to a low-carbon economy. [Climate Transparency. 2018](#)

³² Divisive carbon prices are much ado about nothing. Mark Jaccard, [The Globe and Mail, Dec. 14, 2018](#)

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4.0 CONCLUSION

There is an urgent need to take action on climate change, including by reducing greenhouse gas emissions, protecting and restoring ecosystems, and preparing for the expected impacts. As a complex global problem with a multitude of actors and competing interests, it can be difficult to engage individual citizens and stakeholders in collective action in support of effective policy. In this context, singling out fossil fuel companies as the main culprit through litigation may contribute to further divisiveness, and is not likely to lead to timely results. Litigation is also expected to be challenging from a procedural and legal perspective, as well as costly and drawn out.

Therefore, rather than advocate for legal action, it is recommended that the City support public action and dialogue approaches that can bring diverse stakeholders together to work toward a rapid and just transition to a low carbon economy. Opportunities outlined in this report include continuing to implement and expand on Burnaby's policies in support of climate action and sustainability, and supporting aligned efforts of other levels of government and jurisdictions.

Burnaby continues to demonstrate leadership in a number of policy areas related to climate action. Should Council wish to build on these opportunities to deepen the City's commitment and action in this area, staff could report back on opportunities and resource considerations for Council's consideration.


Lou Pelletier, Director
PLANNING AND BUILDING

LT/sla

cc: Director Corporate Services
Director Engineering
Director Public Safety and Community Services
Director Parks, Recreation and Cultural Services
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